

Humbly Sheweth,

THat the Petitioner being largely indebted to his Creditors, and as was reported, cohabited by his purchasing Lands, wherein he infect his Wife in a considerable Jointure, in place of applying the Produce of the Credit given him to his Creditors, and thereafter withdrawing and concealing his other Effects from them, they thought themselves obliged to use Diligence, and incarcerate him within the Tolbooth of *Glasgow*, upon which he being admitted to the Benefit of the Act of Parliament anent poor Prisoners, an Alimient of Sixpence a Day was modified to him, to commence the first of *July* last.

The Petition and Complaint sets furth, That Bailie *Wardrop* did not only in *March* last, when there was nine Days Alimient due to the Petitioner, but also on the 15 instant, when four Days Alimient was due to him at Liberty, as appears by two Instruments produced, and a Certificate under the Hands of the Jaylor's Servant, and which Complaint your Lordships have ordained the Bailie to Answer.

In obedience to which Ordinance he humbly represents, That he cannot know when an Alimient is kept back, or that he is in safety to set the Prisoner at Liberty, without being liable for the Debt, till he make inquiry, and the Method that has been always followed, and which he took was, that if the Creditor be in Town, he is called before the Magistrates, and if he cannot presently make it appear that Money is consigned for the Time past, or if he fails instantly to pay up bygones, and to consign for the Time to come, the Prisoner is dismissed, and the Magistrates believe they have such a Power from the Act of Parliament, which seems to have been calculated in behalf of Burrows, and that such inquiry is absolutely necessary, will appear from a Circumstance in the present Case, *To wit*, That in *March* last, when the Bailie was required to set the Prisoner at Liberty, notwithstanding of the Jaylor's Servants Declaration, there was produced several Receipts under the Prisoner's Hand, of Money advanced him for his Alimient, no less than seven pound *Sterling*, from the first of *July*, the Date of dismissing the Alimient, to the first of *March* thereafter; in which Time there is but 243 Days, and yet the Sum received answers to 37 Days Alimient more, for by the same Receipts, which are also herewith produced, it appears they always paid him *ten, twenty and thirty* Shillings at once, and most of it before it became due, and as to what happened on the 15 instant, whatever the Instrument bear, the Bailie who was in Town, when served with a Copy of the Petition, did aver that the Jaylor asserted to him the Alimient was not out, and in Fact it afterwards appeared, that the Prisoner had got no less than *L. 3 sterl.* betwixt the first of *March* & the 15 of *June inclusive*, which brought forward the Alimient long after the said 15 of *June*, besides in all the Proceedings complained of, there was not 20 Minutes intervening betwixt the Application to the Magistrate and the inquiry made by him, and therefore as the Application was groundless, and that even the Petitioner neither does nor can complain of any delay after applying to the Magistrates, 'tis hoped your Lordships will discourage Applications of this kind, which if continued, would altogether frustrat the Design of the Act of Parliament, by bringing a greater Burden than ever upon Burrows, attended with considerable hazard as to their being liable to the Debt itself.

J^A. FERGUSON.